



Kreisler 1092-KGB  
001394us/JH/be

#13

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : GERD HOBOM ET AL.  
SERIAL NO. : 09/909,238  
FILED : July 19, 2001  
FOR : RECOMBINANT INFLUENZA VIRUSES WITH  
BICISTRONIC vRNAs CODING FOR TWO GENES IN  
TANDEM ARRANGEMENT  
ART UNIT : 1614  
EXAMINER : TO BE ASSIGNED

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October 7, 2002

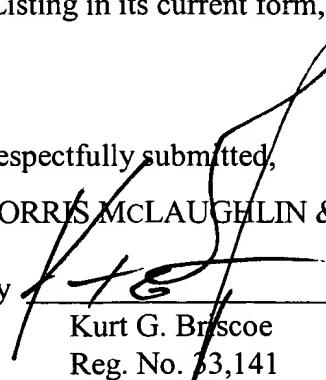
Hon. Commissioner of Patents  
Washington, D.C. 20231

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR  
PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE**

SIR:

The above-identified notice was mailed to Applicants on August 5, 2002, indicating that the computer readable form (CRF) previously submitted was damaged. A duplicate CRF is now attached.

The undersigned hereby certifies that the content of the computer readable form is identical to the content of the paper Sequence Listing in its current form, and that the computer readable form does not introduce new matter.

Respectfully submitted,  
NORRIS MC LAUGHLIN & MARCUS, P.A.  
By   
Kurt G. Briscoe  
Reg. No. 33,141



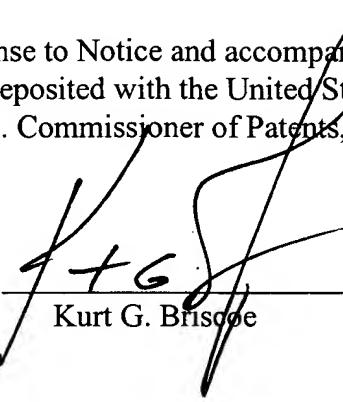
GERD HOBOM ET AL.  
USSN 09/909,238

220 East 42<sup>nd</sup> Street - 30<sup>th</sup> Floor  
New York, New York 10017  
Phone: (212) 808-0700  
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CERTIFICATE OF MAILING

I hereby certify that the foregoing Response to Notice and accompanying Copy of the Notice, duplicate Computer Diskette are being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents, Washington, D.C. 20231, on the date indicated below:

Date: October 7, 2002

By   
Kurt G. Briscoe



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/909,238	07/19/2001	Gerd Hobom	Kreisler 1092-KGB

CONFIRMATION NO. 8656

FORMALITIES LETTER



\*OC000000008568855\*

27384  
KURT BRISCOE  
NORRIS, MC LAUGHLIN & MARCUS, P.A.  
220 EAST 42ND STREET, 30TH FLOOR  
NEW YORK, NY 10017

Date Mailed: 08/05/2002

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d). Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

*A copy of this notice MUST be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

*Jenelss*  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



## CRF Problem Report

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 09/909238 B  
 Filing Date: 7/19/2001  
 Date Processed by STIC: 7/18/2002

STIC Contact: Mark Spencer, 703-308-4212

### Nature of Problem:

The CRF (was):

(circle one) Damaged or Unreadable (for Unreadable, see attached)  
 Blank (no files on CRF) (see attached)  
 Empty file (filename present, but no bytes in file) (see attached)  
 Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
 Not saved in ASCII text  
 Sequence Listing was embedded in the file. According to Sequence Rules, submitted file should only be the Sequence Listing.  
 Did not contain a Sequence Listing. (see attached sample)  
 Other: \_\_\_\_\_

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.  
 SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<<http://www.uspto.gov/ebc/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
 U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name, Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
 Or  
 U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office, Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002



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OCT 15 2002

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Patent and Trademark Office: U.S. Department of Commerce  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/21 (12-97)

# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

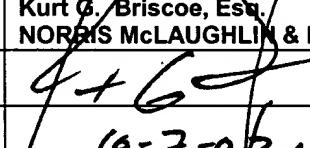
		Application Number	09/909,238
		Filing Date	July 19, 2001
		First Named Inventor	Gerd HOBOM, et al
		Group Art Unit	To Be Assigned
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission		Attorney Docket Number	100725-10/Kreisler 1092-KGB

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> To convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other - Response to Notice to Comply with Requirements for Nucleotide Sequence <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): - Duplicate diskette containing Sequence Listing
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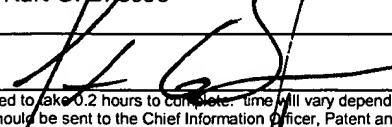
Remarks:

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kurt G. Briscoe, Esq. NORMS McLAUGHLIN & MARCUS, P.A.	
Signature	 Reg. No. 33,141	
Date	10-7-02	

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to : Hon. Commissioner of Patents, Washington, D.C. 20231 on this date: 10-7-02

Typed or printed name	Kurt G. Briscoe		
Signature		Date	<u>10-7-02</u>

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Hon. Commissioner of Patents, Washington, DC 20231.